

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

JOHN DANIEL MARTIN, III, #23201-034

PETITIONER

VERSUS

CIVIL ACTION NO. 5:09cv28-DCB-MTP

BRUCE PEARSON, Warden

RESPONDENT

**ORDER**

THIS MATTER is before the court on Petitioner's "Motion of Estoppel" [29] and "Motion Judicial Notice of Default" [30]. Although it is somewhat hard to discern, it appears that in the Motion of Estoppel Petitioner is arguing that he is not required to make payments on his special assessments while he is incarcerated because his Judgment and Probation/Commitment Order makes no provision for such, and in the Motion Judicial Notice of Default Plaintiff is arguing that Respondent has not responded to his claims that no payments are due on his special assessments while he is incarcerated and, therefore, a judgment should be entered by default in his favor. Not only do Petitioner's allegations appear to lack merit, but these issues are thoroughly addressed in Respondent's Answer [15] to the Petition, which is currently pending before the court. These issues will be addressed in due course. Accordingly,

IT IS ORDERED THAT Petitioner's "Motion of Estoppel" [29] and "Motion Judicial Notice of Default" [30] are denied.

SO ORDERED and ADJUDGED this the 25th day of February, 2010.

s/ Michael T. Parker

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United States Magistrate Judge